

ORDINANCE NO. 3793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE SOUTHEAST COASTAL REDEVELOPMENT PROJECT AREA EXTENDING THE PLAN EFFECTIVENESS DEADLINE, REPAYMENT OF INDEBTEDNESS DEADLINE AND TAX INCREMENT RECEIPT DEADLINE PURSUANT TO SB 1045.

WHEREAS, the City Council of the City of Huntington Beach ("City Council") activated the Redevelopment Agency of the City of Huntington Beach ("Agency") on March 1, 1976; and

WHEREAS, pursuant to Ordinance No. 3561, adopted on June 17, 2002, the City Council approved and adopted a redevelopment plan for the Southeast Coastal Redevelopment Project Area (the redevelopment plan for the Southeast Coastal Redevelopment Project Area is hereinafter referred to as the "Redevelopment Plan"); and

WHEREAS, California Health and Safety Code Section 33333.6 applies to every redevelopment plan adopted on or before December 31, 1993; and

WHEREAS, the Redevelopment Plan was adopted on or after January 1, 1994; and

WHEREAS, pursuant to California Health and Safety Code Section 33333.2(a)(2), the Redevelopment Plan contains a time limit for effectiveness of the Redevelopment Plan for the Southeast Coastal Redevelopment Project Area; and

WHEREAS, pursuant to California Health and Safety Code Section 33333.2(a)(3), the Redevelopment Plan contains a time limit for the payment of indebtedness and receipt of property taxes for the Southeast Coastal Redevelopment Project Area; and

WHEREAS, the California State Legislature has enacted SB 1045, making various amendments to the Community Redevelopment Law (California Health and Safety Code Sections 33000 *et seq.*), which was chaptered as Chapter 260 and became effective on September 2, 2003; and

WHEREAS, California Health and Safety Code Section 33333.2(c), as amended by SB 1045, provides that when an agency is required to make a payment pursuant to California Health and Safety Code Section 33681.9, the legislative body may amend the redevelopment plan to extend the time limits required pursuant to paragraphs (2) and (3) of subdivision (a) of California Health and Safety Code Section 33333.2 by one year by adoption of an ordinance, without the necessity of compliance with California Health and Safety Code Section 33354.6 or Article 12 of the Community Redevelopment Law

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(commencing with Section 33450) or any other provision relating to amendments, including, but not limited to, the requirement to make payments to affected taxing entities required by California Health and Safety Code Section 33607.7; and

WHEREAS, the Agency was required to make a payment pursuant to Health and Safety Code Section 33681.9; and

WHEREAS, the Agency and the City Council of the City of Huntington Beach desire to extend by one year the time limit on the effectiveness of the Redevelopment Plan for the Southeast Coastal Redevelopment Project Area and the time limit for paying indebtedness and receiving property taxes for the Southeast Coastal Redevelopment Project Area.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. Amendment of Time Limits. In accordance with California Health and Safety Code Section 33333.2(c), and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan as stated herein by adoption of this Ordinance, and establishes the following limitations for the Southeast Coastal Redevelopment Project Area:

(A) **Plan Effectiveness.** The term of plan effectiveness for the Southeast Coastal Redevelopment Project Area shall expire on June 17, 2033.

(B) **Repayment of Indebtedness; Receipt of Property Taxes.** Subject to the provisions of paragraph (3) of subdivision (a) of Section 33333.2 of California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Southeast Coastal Redevelopment Project Area beyond fifteen years from the date of termination of the effectiveness of the Redevelopment Plan for the Southeast Coastal Redevelopment Project Area, or June 17, 2048.

Section 3. Application. The limitations established by this Ordinance may only be amended in the manner required and to the extent permitted by law.

Section 4. Certification and Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation, published and circulated in the City of Huntington Beach.

Section 5. Partial Invalidity. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after the second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007.

THE CITY OF HUNTINGTON BEACH

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

James M. Gish
City Attorney
10-16-07 JM 10/9/07

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

Kellie J. Fial
Director of Economic Development

Penelope Culbreth
City Administrator

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